

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1, 3-26, 28 and 29 are pending in this application. No amendments have been made.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3-8, 13-23, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's U.S. Publication No. 20020098877 in view of U.S. Publication No. 20030114201 to Chung et al.

Claims 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's U.S. Publication No. 20020098877 in view of U.S. Patent No. 5,737,436 to Boyden.

Claims 9-12 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's U.S. Publication No. 20020098877 in view of Chung et al. and further in view of Boyden.

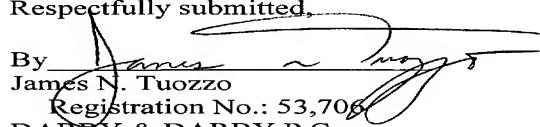
With regard to the above rejections, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness because U.S. Publication No. 20020098877 does not qualify as prior art. The '877 publication was published on July 25, 2002. The subject application claims priority to provisional application No. 60/453,059, filed on March 7, 2003. This is less than one year before the July 25, 2002 publication date of the '877 publication cited above. Accordingly, Applicant's U.S. Publication No. 20020098877 is not prior art under 35 U.S.C. § 102(b).

Neither is it prior art under 35 U.S.C. § 102(a) because the cited document belongs to the identical inventive entity. For completeness, the '877 Publication published before the subject application was filed and therefore does not qualify as 102(e) prior art either.

Applicant respectfully requests that the above rejections be withdrawn. Claims 1, 3-26, 28 and 29 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

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Respectfully submitted,

By 

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